

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3239 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and  
MR.JUSTICE J.M.PANCHAL

=====

-----  
GSL (INDIA) LIMITED

Versus

UNION OF INDIA

-----  
Appearance:

MR MIHIR H JOSHI for Petitioner

Mr.Jayant N. Patel for Respondent No. 1, 2, 3

-----  
CORAM : MR.JUSTICE K.G.BALAKRISHNAN and  
MR.JUSTICE J.M.PANCHAL

Date of decision: 04/05/98

ORAL Judgment (Per Balakrishnan,J.)

1. Rule. Mr.Jayant N.Patel, ld.Standing Counsel,  
waives service thereof on behalf of the respondents.

2. The petitioner has filed an appeal before the 2nd  
respondent against the order passed by the 3rd  
respondent. The petitioner has also moved an application  
for stay of the impugned order. The stay application is  
not finally disposed of. The petitioner contends that  
during the pendency of these proceedings, the authorities  
are taking coercive steps to realise the amount due.

3. We heard the learned Counsel for the petitioner  
and the learned Standing Counsel for the respondents.

4. A reference was made to the order passed by this  
Court in SCAs No.21/97 & 22/97 and also to a decision in  
DCW Ltd. vs. Commissioner (Appeals) & Ots. reported in  
1997(2) GLR 913. In the above decision, this Court

directed the respondent authority to dispose of the stay application within a prescribed time.

5. Having regard to the facts and circumstances of the case, we direct respondent no.2 to consider the stay application and pass appropriate orders preferably within one month from the date of receipt of copy of this order. Till the stay application is finally disposed of, the authorities shall not take any further coercive step to realise the amount payable under the impugned order. The application is disposed of accordingly. Rule is discharged subject to above directions.

D.S. permitted.

(K.G.Balakrishnan,J.)

(J.M.Panchal,J.)